

Gloucester City Council

Meeting:	Cabinet	Date:	6th December 2017
Subject:	Public Space Protection Orders		
Report Of:	Cabinet Member for Communities & Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Emily Jones – Community Wellbeing Officer		
	Email:	emily.jones@gloucester.gov.uk	Tel: 39(6268)
Appendices:	1. Draft Gloucester City Council PSPO Guidance		
	2. Draft City Centre PSPO		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Cabinet plans to introduce Public Space Protection Orders that would supersede a range of existing orders and to seek approval to undertake a public consultation exercise in respect of a draft City Centre PSPO.

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that:

- 1) The contents of the report be noted;
- 2) The the use of PSPO Guidance included at appendix 1 be approved;
- 3) The undertaking of a 12 week public consultation exercise in respect of a draft PSPO for a designated area of the City Centre, a copy of which is included at appendix 2 be approved,
- 4) Delegation be provided to the Head of Communities in consultation with the Cabinet Member for Communities & Neighbourhoods to implement the PSPO referred to in para 2.1.(3) following consideration of consultation feedback
- 5) Delegation be provided to Head of Communities in consultation with the Cabinet Member for Communities & Neighbourhoods to undertake further consultation exercises to allow the remaining Gating Orders, Dog Control orders and Designated Public Space Orders (DPPOs) to be reviewed.

3.0 Background & Key Issues

3.1 Councils have a key role to play in helping make local areas safe places to live, work in and visit. Tackling anti-social behaviour (ASB) continues to be a corporate priority for Gloucester City Council and our partner agencies.

3.2 The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address ASB in their local areas. Public Spaces Protection Orders (PSPOs) are one of the tools available, and the Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

3.3 From the end of October 2017, all current Orders as outlined below will automatically become PSPOs. Councils are not required to undertake a consultation on these unless a change is required. These PSPOs will remain in force for up to a maximum of three years from the point of transition and will be reviewed on a bi-annual basis.

- **Designated Public Places Order (DPPO) (Coney Hill)** - implemented in June 2009 and varied to include additional areas in August 2011
- **DPPO (City Centre)** - implemented in September 2002
- **Gating Order (Saffron Close & Badger Close Tuffley)** - implemented October 2006
- **Gating Order (Fielden, Abbeydale)** - implemented April 2008
- **Gating Order (Chadwick Close & Windrush, Tuffley)** - implemented March 2008
- **Gating Order (Organs Alley, Westgate)** - implemented April 2014
- **Dog Control Orders x 3 (City Wide)** - implemented February 2007

3.4 PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They are not about stopping people enjoying the night time economy of Gloucester responsibly nor is it about preventing young people from spending time with their friends in public places – but they do provide councils with another tool to help deal with those minority of persistent issues that can damage communities.

3.5 The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. Whereas Injunctions and Criminal Behaviour Orders (CBOs) are directed at individuals, PSPOs are geographically defined making pre-defined activities within a mapped area a criminal offence.

3.6 A PSPO will not prevent the Council from operating in its staged approach whilst tackling ASB, and in particular the work moving through “engage, support, enforce” which seeks to change individual behaviours and prevent the need for enforcement action and connect people with the help and support they need. Working in accordance with our Safe & Attractive Streets Policy which Cabinet approved in July 2016 remains a priority for the Council when tackling a range of issues but particularly street homelessness and street begging.

- 3.7 In July 2016 the Council adopted a 'Safe & Attractive Streets Policy' which supports our organisations aspiration to keeping Gloucester a safe place to live, work and play. The policy recognises that negative behaviours such as street drinking, rough sleeping and begging are very often complex and commits the Council to supporting those with genuine needs reinforcing the staged approach to behaviour change that the Council has adopted.
- 3.8 As a local authority we will support those with genuine needs, such as the need for housing or for access to services and ensure, through inter-agency working, that outreach work takes place to help people live, or work towards living, independently without impacting negatively on others. Key partners in this work include –
- P3 Gloucestershire Homeless Service - contracted to deliver a 'wrap around' homeless outreach service
 - Change, Grow, Live (CGL) - provide drug and alcohol outreach service to rough sleepers
 - Homeless Healthcare Team (NHS) – offer support, advice and medical and nursing care to people who are homeless in order to help them protect their health while homeless
 - 2Gether Trust – provision of support around mental health
 - Gloucestershire Constabulary – supporting 'Safe & Attractive Street Policy'
 - Riverside Housing – provision of housing for rough sleepers.
- 3.9 This approach although successful does not bring about a change in behaviour in all cases, and Officers have advocated that in those instances where an individual or group of individuals has failed to engage it would be beneficial to have a legislative instrument in the shape of a PSPO that encourages engagement through more formal means where informal approaches have not worked. However it is important to point out that it would still be the Councils intention to engage in the first instance and open up avenues to support networks.
- 3.10 Guidance on tackling ASB dictates that interventions be tried as much as possible before moving on to enforcement action. However, if alternatives do not work, a PSPO would allow the council to:
- 1) issue a fixed penalty notice (FPN) where a PSPO condition is breached, and
 - 2) prosecute in the magistrates' court where a FPN is not paid or where prosecution in the first instance is deemed to be in the public interest
- 3.11 A PSPO can be made by the council if they are satisfied that the activities specified within them –
- 1) have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
 - 2) are, or are likely to be, persistent or continuing in nature
 - 3) are, or are likely to be, unreasonable
 - 4) justify the restrictions imposed.

- 3.12 This report seeks approval for the use of a PSPO Guidance document specific to our Council and this is included at **Appendix 1**. This guidance aims to set out the issues to consider where local areas are contemplating introducing a PSPO, and offers practical guidance on the steps to take if councils choose to do so. It should be read in conjunction with the Home Office's statutory guidance on the Antisocial Behaviour, Crime and Policing Act 2014.
- 3.13 As outlined at paragraph 3.3, as a result of the Anti-social Behaviour, Crime and Policing Act 2014, PSPOs superseded Designated Public Place Orders, Dog Control Orders and Gating Orders as of 20th October 2017.
- 3.14 There is no requirement in the legislation for councils to undertake a new consultation process where existing DPPOs, Gating Orders or Dog Control Orders have automatically transitioned, although it does seem prudent to review the transitioned orders to ensure their provisions meet the legal tests for PSPOs. It is recommended that councils publicise any PSPOs that replace existing DPPOs, Gating Orders or DCOs to help raise public awareness.
- 3.15 This report seeks to consult on a new City Centre PSPO which would supersede the existing City centre DPPO. A draft City Centre PSPO can be found at **Appendix 2**.
- 3.16 The attached draft Public Space Protection Order covers issues which have been reported to the City Council to have had a detrimental impact within the proposed City centre PSPO zone. In addition informal consultation that has been carried out over the last several months has indicated support for such a measure in the City Centre to support the Council's and the City's wider aspirations to make us a City that people want to visit and return to.
- 3.17 The proposed PSPO zone covers the Gloucester Business Improvement District (BID) area of the City centre, with the addition of identified areas off London Road in the Kingsholm & Wotton ward where several issues of ASB have also been reported over an extended period of time. The Gloucester BID have indicated strong support for a City Centre PSPO and would welcome delegated powers where appropriate being provided to their City Wardens.
- 3.18 The geographical area and the prohibitions proposed within the draft Order are subject to consultation and may be amended based on responses received during the public consultation period. Key conditions include –
- Begging
 - Street drinking
 - Littering
 - Unattended items
 - Dog control orders:
 - Psychoactive substances
 - Nuisance/anti-social behaviour
 - Direction to leave if causing nuisance
- 3.19 A draft PSPO must be publicised for public comment as part of the consultation process. There is a statutory 12 week public consultation period.

Pre-consultation has already taken place with various forums, including the local Policing team and the Licensed Victuallers Association.

- 3.20 The draft PSPO has been built upon learning from the early adopters of this legislation. The consultation of this draft PSPO will be carried out in accordance with this legislation, also considering prior learning.

4.0 Asset Based Community Development (ABCD) Considerations

- 4.1 Any issues raised through the consultation will be considered fully to determine whether a PSPO is the most appropriate tool to deal with them, or whether alternatives including ABCD and resident-led action, are more suitable.

- 4.2 Any consultation process should be led by the Community Wellbeing Team. This will ensure ABCD considerations are made and that the consultation is community-focussed.

5.0 Alternative Options Considered

- 5.1 The alternative option would be to simply continue as is and note that the range of orders have become Public Space Protection Orders in their own rights as specified in the Anti-social Behaviour, Crime and Policing Act 2014.

- 5.2 This option however is likely to lead to confusion when looking to enforce this legislation and there is potentially an argument that

6.0 Reasons for Recommendations

- 6.1 Reviewing the PSPO'S that have now superseded a range of individual orders, systematically over the next 24 months is a legal requirement so as the Council can consider their necessity, relevance and proportionality.

- 6.2 With the Council looking to enhance the City Centre offer and pursue Purple Flag Status and City of Culture in 2025, having an effective Public Space Protection Order covering the City Centre is an essential tool to bring about a change in behaviour where the other avenues of engagement and support have proved unsuccessful.

- 6.3 Consulting on a City Centre Draft PSPO as well as securing compliance with a legal obligation will also allow us to gather important information from a range of stakeholders that will inform what a final PSPO, if deemed necessary, would cover.

7.0 Future Work and Conclusions

- 7.1 Subject to approval of this report officers will work with the Communications Team to develop a consultation plan so that we are consulting widely and via the right channels.

- 7.2 As referred to previously in the report a timeline for reviewing the new PSPOs that have superseded the range of previous orders will be developed in

consultation with the Head of Communities and Cabinet Member for Communities & Neighbourhoods.

8.0 Financial Implications

- 8.1 The costs of proceeding with the PSPO are not known at this stage as this will depend on the extent of the PSPO proposed both in terms of scope and geographic extent. Costs will be incurred during consultation and, if implemented, as a result of changes to signage. The Council has a budget for the setup costs of such schemes and it is envisaged that all costs can be met from this budget. In the event of costs being incurred in excess of that allocation these would be met from the wider Community Wellbeing budget.”

9.0 Legal Implications

- 9.1 The introduction of any Order or variation of an existing order presents a risk of legal challenge to the Council. Section 66 of the Anti-social Behaviour Crime and Policing Act 2014 states that “interested persons” may challenge the validity of any Order in the High Courts. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks, beginning on the day the Order is made or varied. There are two grounds upon which a challenge could be made: That the local authority did not have the power to make the Order, or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied) or that a requirement under this element of the legislation was not complied with in relation to the order or variation. The High Court would have the power to quash, amend or uphold the Order.
- 9.2 Other legal implications and requirements are set out in the report.

10.0 Risk & Opportunity Management Implications

- 10.1 The consultation process will be carried out in line with that detailed in the PSPO Guidance. Comprehensive work and a robust process will minimise the potential of challenges or representations about a proposed PSPO in Gloucester.
- 10.2 Potential risks will be identified through the consultation process and mitigated accordingly where practical.

11.0 People Impact Assessment (PIA):

- 11.1 Consultation feedback will inform further discussions about whether a PIA is required prior to implementation.

12.0 Other Corporate Implications

Community Safety

- 12.1 Keeping Gloucester a safe and enjoyable place to live, work and visit is a key priority for the Council. Adopting the PSPO Guidance and implementing a City Centre PSPO (subject to approval) would provide an additional tool to the Council and its partners in order to tackle nuisance and anti-social behaviour where all other avenues have not been successful.

Sustainability

- 12.3 The implementation of any PSPO would be in partnership with Gloucestershire Constabulary and relevant partner agencies to ensure that a PSPO can be sustainably resourced and managed.

Staffing & Trade Union

- 12.4 There are no staffing or trade union comments in respect of this report.

Safeguarding

- 12.5 There are no safeguarding comments in respect of this report.

Appendix 1 – Draft Gloucester City Council PSPO Guidance

Public Space Protection Orders (PSPOs)

Background

A Public Space Protection Order (PSPO) is a power available to local authorities under the Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area. The order seeks to prevent behaviour that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. PSPOs are designed to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

PSPOs succeed several powers available under older legislation. These are:

- Dog Control Orders
- Alcohol Restriction Zones (Designated Public Place Orders)
- Gating Orders

Only Councils can issue a Public Spaces Protection Order (PSPO); however they must consult with the public and other agencies before doing so.

Consultation

The Council must consult any communities and/or representatives they think appropriate when proposing to implement a PSPO. Consultation could relate to a specific group, for instance a residents' association, people living or working nearby, or an individual or group of individuals, for example regular users of the area or of specific activities that may be covered in the proposed order. Before the PSPO is made, the Council must also publish the draft order in accordance with regulations published by the Secretary of State (*sec73 Antisocial Behaviour Crime & Policing Act 2014*).

Consultation must also take place with the Police, the Police and Crime Commissioner and other relevant bodies. All proposals for an order should be brought to the Safer Gloucester Partnership to allow for wider partnership discussion. Furthermore, all applications should be compiled in partnership with Gloucestershire Constabulary, who will advise as to who and which local officers will help police the order.

Pre-Consultation

Before considering implementing a PSPO, Councils must make reasonable attempts to resolve the issue(s) using early informal interventions by working across teams internally and with partner agencies such as Police and other appropriate organisations.

If after a reasonable amount of time and after early interventions have been largely unsuccessful, the issue is continuing, a PSPO should be considered. At this point, further

consultation and publication of the intention to implement a PSPO should begin. Work undertaken as part of early informal interventions may be used as evidence in the application of a PSPO.

Implementation

The standard of proof when considering the evidence to implement a PSPO is the civil standard; the balance of probabilities.

PSPOs can be put in place to prevent activities that:

- have had or are likely to have a detrimental effect on the quality of life of those in the locality
- are or are likely to be of a persistent or continuing nature; and
- unreasonable and
- justifies the restrictions imposed

Duration

Once put in place, a Public Space Protection Order lasts for 3 years. During this time, providing there is evidence to satisfy the need, the order may be extended for up to a further 3 years. A PSPO may be extended more than once.

During the duration of the order, it may also be varied to alter either the area that the order applies to or the terms of the order, or both. The order can also be discharged by the Council at any time if appropriate. In the case of varying or discharging the PSPO, the appropriate information must again be published.

Breaches & Enforcement

Breach of a Public Space Protection Order can be enforced by a Police Officer, Police Community Support Officer or a person authorised by the Council.

Any breach of the PSPO must be proved to the criminal standard (beyond reasonable doubt), and would be a criminal offence.

Sanctions for breaching a Public Space Protection Order include:

- a fine up to level 3 (£100) on the standard scale (upon summary prosecution)
- the issue of a Fixed Penalty Notice of up to £100 which may result on further prosecution if not paid

Appeal of the implementation of a PSPO

An interested party may challenge the implementation or variation of a PSPO by applying to the High Court within 6 weeks of the date on which the order or variation comes in to force.

An interested party is an individual who lives in the restricted area or who regularly works in or visits that area (*sec66 Antisocial Behaviour Crime & Policing Act 2014*).

Interested persons can challenge the validity of a PSPO on two grounds:

- that the Council did not have power to make the order
- that the Council did not have the power to include particular prohibitions or requirements.

In addition, the interested person could argue that one of the requirements of implementing the order (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

Practical Application of a PSPO

1. A PSPO should contain the following:

- a) the restricted area
- b) the person(s) against whom the order can apply.

A single PSPO can include multiple restrictions and requirements in one order.

The order can be framed so as to apply to specified persons or groups of people at specified times or for specified durations and may be conditional upon certain events or conditions occurring.

Prohibitions and positive requirements can be imposed but only insofar as they prevent or reduce the negative behaviours that are occurring.

Possible sanctions should distinguish clearly between general breaches and alcohol related breaches.

A PSPO may not restrict the public right of way over a highway in certain cases – see sec 64 Antisocial Behaviour Crime & Policing Act 2014.

2. It is an offence for a person, without reasonable excuse, to:

- a) do anything that the person is prohibited from doing by a PSPO (other than consume alcohol - see * below); or
- b) fail to comply with a requirement to which the person is subject under a PSPO. A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the PSPO.

* It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

3. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, PCSO, Council officer or other person designated by the Council.

In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).

A FPN should not be issued to a person under the age of 18. In cases where a young person breaches the PSPO, details should be taken and the matter referred to Solace and/or the Youth Offending team where there is repeated ASB or breaches of PSPO, or other concerning behaviour.

Where a person is issued with a Fixed Penalty Notice under this section in respect of an offence, no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice; and the person may not be convicted of the offence if they pay the fixed penalty before the end of that period.

4. For non-payment of FPN, a prosecution file must be completed and signed by a manager in order to pursue prosecution.

The prosecution file is sent to One Legal and will contain witness statements, exhibits and any other pertinent information.

In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the chief finance officer of the Council
- (b) states that payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

5. If the Anti-Social Behaviour is still continuing after trying the previous interventions then consideration should be given to further civil action against persistent perpetrators where appropriate.

Considerations

When deciding what to include, the Council should consider scope. The PSPO is designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access. Restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances.

In establishing which restrictions or requirements should be included, the Council should ensure that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

The PSPO should include the following:

- identify the activities having the detrimental effect
- explain the potential sanctions available on breach
- specify the period for which the PSPO has effect
- details of Appeal process

Publicity

A local authority must carry out necessary publicity and necessary notification before-

- (a) making a PSPO
- (b) extending the period for which a PSPO has effect or
- (c) varying or discharging a PSPO

"the necessary publicity" means-

(a) in the case of a proposed order or variation, publishing the text of it

(b) in the case of a proposed extension or discharge, publicising the proposal. "the necessary notification" means notifying the following authorities of the proposed order, extension, variation or discharge-

(a) the parish Council or community Council (if any) for the area that includes the restricted area; in the case of a PSPO made or to be made by a district Council in England, the county Council (if any) for the area that includes the restricted area.

Byelaws

A byelaw that prohibits, by the creation of an offence, an activity regulated by a PSPO is of no effect in relation to the restricted area during the currency of the order.

Appendix 2 – Draft Public Space Protection Order for Gloucester City Centre

PUBLIC SPACES PROTECTION ORDER GLOUCESTER CITY CENTRE

Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014

Gloucester City Council (referred to hereafter as ‘the authority’) hereby makes the following Public Spaces Protection Order that applies to the public space as referred to within the marked boundary in Appendix One:

Restrictions

1. Dogs on leads

- a) Any person in charge of a dog, at any time, must keep the dog on a lead
 - b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children’s play park
 - c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog
- Unless subject to exemptions listed in Appendix Two below.

2. Alcohol

Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

3. Psychoactive Substances

Any person shall hand over any containers (sealed or unsealed) which are believed to contain psychoactive substances, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

4. Begging

Any person is prohibited from, at any time, placing himself in a position to receive alms.

5. Peddling/Street Trading

Any person is prohibited from, at any time, peddling/trading goods without the written permission of the authority, even if licensed.

6. Aggressive Charity Collection

Any person is prohibited from, at any time, engaging in assertive or aggressive (commercial or charity) collection or soliciting of money in the designated area.

7. Littering

Any person is prohibited from, at any time, littering.

8. Unattended Items

Any person is prohibited from leaving items or belongings unattended within the designated area. Unattended items will be removed at the direction of a constable or an authorised person.

9. Nuisance or anti-social behaviour

Any person shall not behave in a manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.

Requirements

10. Direction to Leave

Any person, when directed to do so by a constable or authorised person in order to prevent public nuisance or disorder, shall leave the designated area.

In issuing the order the authority is satisfied that:

1. (a) The named activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or
(b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect

2. The effect, or likely effect, of the named activities:
 - (a) is, or is likely to be, of a persistent and continuing nature;
 - (b) is, or is likely to be, such as to make the activities unreasonable; and
 - (c) justifies the restrictions imposed by the notice

3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

Appendix 1

Note: this map is to be amended to incorporate an area of Kingsholm & Wotton to include –

London Road, Claremont Road, Newland Street, Hyde Lane, Hyde Close, Royal Lane.



Appendix 2

GENERAL PROVISIONS

1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.
2. "Authorised Person" means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

OBLIGATIONS ON PERSONS WITH DOGS

Fouling

4. If a dog defecates at any time on land to which this Order applies, a person who is in charge of the dog at the time must remove the faeces from the land immediately unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Dogs on leads when directed

5. A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an Authorised Person of the Authority to put and keep the dog on a lead unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An Authorised Person may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Dogs on leads in specified areas

6. A person in charge of a dog must keep the dog on a lead in Designated Area unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

Dog exclusion in specified areas

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

Failing to produce a receptacle for picking up dog faeces

9. A person in charge of a dog on land to which this order applies must have with them an appropriate means to pick up dog faeces deposited by that dog unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an Authorised Person, the person in charge of the dog produces an appropriate receptacle to pick up dog faeces. A receptacle is defined as any object capable of holding faeces for disposal.

By way of guidance, a trouser or coat or other pocket is not such item for the purpose of this obligation. Neither is a handbag, rucksack, purse or sports bag.

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

Prohibition of Alcohol Consumption

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of the Order; or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of the Order;

The constable or authorised person may require that person:

- a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.